10 Rec'd PCT/PTO 29 JUL 2004

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

To:
GLAXOSMITHKLINE
CN925.1
Attn. Giddings, Peter John
980 Great West Road
Brentford
Middlesex TW8 9GS
UNITED KINGDOM

Date of mailing *(day/month/year)*	20/05/2003
Applicant's or agent's file reference: AS/PG4597	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No.: PCT/EP 03/ 00558	International filing date *(day/month/year)* 21/01/2003
Applicant: GLAXO GROUP LIMITED	

1. [X] The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Fascimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

GlaxoSmithKline
Corporate IP
Received BRENTFORD
19 MAY 2003
ATTY: AJS ADMIN: SD
IPM : N/A ON: UPDATED ON:
ATTY CHECKED ON:

2. [] The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. [] **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

[] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

[] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Irene Sardjoe

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NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

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The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped),whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."

2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."

3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."

4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international appplication is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	**FOR FURTHER ACTION** see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
AS/PG4597		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/EP 03/ 00558	21/01/2003	22/01/2002
Applicant		
GLAXO GROUP LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

 a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

 [] the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

 b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

 [] contained in the international application in written form.

 [] filed together with the international application in computer readable form.

 [] furnished subsequently to this Authority in written form.

 [] furnished subsequently to this Authority in computer readble form.

 [] the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

 [] the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. [] **Certain claims were found unsearchable** (See Box I).

3. [] **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

 [] the text is approved as submitted by the applicant.

 [X] the text has been established by this Authority to read as follows:

 APPARATUS AND PROCESS FOR PREPARING CRYSTALLINE PARTICLES

5. With regard to the **abstract**,

 [X] the text is approved as submitted by the applicant.

 [] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. 1a

 [] as suggested by the applicant.

 [X] because the applicant failed to suggest a figure.

 [] because this figure better characterizes the invention.

 [] None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP 03[redacted]558

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B01F15/02 B01F11/02 B01F5/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 B01F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal, PAJ, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 00 38811 A (THEOPHILUS ANDREW LEWIS ;GLAXO GROUP LTD (GB); SINGH HARDEV (GB);) 6 July 2000 (2000-07-06) cited in the application the whole document ---	1-28
Y	PATENT ABSTRACTS OF JAPAN vol. 006, no. 131 (C-114), 17 July 1982 (1982-07-17) & JP 57 056031 A (TOSHIBA CORP), 3 April 1982 (1982-04-03) abstract --- -/--	1-7, 13-28

[X] Further documents are listed in the continuation of box C.

[X] Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
12 May 2003	20/05/2003

Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Labeeuw, R

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INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP 03[redacted]658

C.(Continuation) DOCUMENTS CONSIDERED T[redacted]RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	PATENT ABSTRACTS OF JAPAN vol. 017, no. 577 (C-1122), 20 October 1993 (1993-10-20) & JP 05 168889 A (DAI ICHI HIGH FREQUENCY CO LTD;OTHERS: 01), 2 July 1993 (1993-07-02) abstract	1-6,8,9, 13-28
Y	PATENT ABSTRACTS OF JAPAN vol. 007, no. 285 (C-201), 20 December 1983 (1983-12-20) & JP 58 163425 A (TOKYO SHIBAURA DENKI KK), 28 September 1983 (1983-09-28) abstract	1-5,7, 10-28
Y	US 3 749 318 A (COTTELL E) 31 July 1973 (1973-07-31) the whole document	1-9
Y	GB 2 236 958 A (HEAT SYSTEMS INC) 24 April 1991 (1991-04-24) the whole document	1-6,8, 13,14
Y	PATENT ABSTRACTS OF JAPAN vol. 1997, no. 05, 30 May 1997 (1997-05-30) & JP 09 010666 A (RICOH CO LTD), 14 January 1997 (1997-01-14) abstract	7
A	WO 00 44468 A (SQUIBB BRISTOL MYERS CO) 3 August 2000 (2000-08-03) the whole document	1-28

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/EP 03[redacted]558

Patent document cited in search report		[redacted]blication date	Patent family member(s)		[redacted]ublication date
WO 0038811	A	06-07-2000	AU	1877100 A	31-07-2000
			BR	9916587 A	25-09-2001
			CA	2356897 A1	06-07-2000
			CN	1335787 T	13-02-2002
			CZ	20012331 A3	13-03-2002
			EP	1144065 A1	17-10-2001
			WO	0038811 A1	06-07-2000
			HU	0104855 A2	29-04-2002
			JP	2002533205 T	08-10-2002
			NO	20013039 A	22-08-2001
			NZ	512400 A	28-02-2003
			PL	349345 A1	15-07-2002
			TR	200101845 T2	22-10-2001
			US	6482438 B1	19-11-2002
JP 57056031	A	03-04-1982	JP	1448211 C	11-07-1988
			JP	62057374 B	01-12-1987
JP 05168889	A	02-07-1993	JP	3178873 B2	25-06-2001
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US 3749318	A	31-07-1973	NONE		
GB 2236958	A	24-04-1991	US	5032027 A	16-07-1991
			CA	2027810 A1	20-04-1991
JP 09010666	A	14-01-1997	CN	1142431 A ,B	12-02-1997
			FR	2733163 A1	25-10-1996
			GB	2301296 A ,B	04-12-1996
			GB	2315425 A ,B	04-02-1998
			US	5746981 A	05-05-1998
			US	5939174 A	17-08-1999
WO 0044468	A	03-08-2000	AU	755470 B2	12-12-2002
			AU	2513300 A	18-08-2000
			BR	0007396 A	30-10-2001
			CA	2361078 A1	03-08-2000
			CN	1337888 T	27-02-2002
			EP	1173265 A1	23-01-2002
			JP	2002535379 T	22-10-2002
			TR	200101891 T2	21-12-2001
			WO	0044468 A1	03-08-2000
			US	6302958 B1	16-10-2001